

**State Special Education Advisory Panels
Under the Individuals with Disabilities Education Act
(Amendments of 2004)
CFR 300.168–169**



**Panel Member and Public
Information Guide**

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The purpose of this pamphlet is to provide information regarding some commonly asked questions about State Special Education Advisory Panels under the Individuals with Disabilities Education Act (IDEA). The federal regulations include the requirement that States establish and support a State Special Education Advisory Panel to advise the State regarding issues impacting the education of children with disabilities. The following pages provide a quick reference to assist individuals with information regarding the purpose and activities involving the special education advisory panel.

Additional information may be obtained by contacting

John Copenhaver

Mountain Plains Regional Resource Center (MPRRC)

1780 N Research Parkway, Suit 112

Logan, UT 84341

Phone: 435-752-0238 Fax: 435-753-9750

E-mail: John.Copenhaver@usu.edu

Web address: www.rrfcnetwork.org/mprrc



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This information could be made available in alternative format, including large print, Braille, audio, tapes, or computer diskette.

■ What is the purpose of the State Special Education Advisory Panel?

The Individuals with Disabilities Education Act (IDEA) requires that each State establish and maintain an advisory panel for the *purpose of advising the State special education staff regarding the education of eligible children with disabilities*. This includes advising the State on the education of students with disabilities who have been convicted as adults and are incarcerated in adult prisons, even if a State assigns general supervision responsibility for those children to a public agency other than a State Education Agency (SEA).

■ What are the federal regulations for establishing State Special Education Advisory Panels?

§ 300.168 Membership

- (a) *General.* The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including—
- (1) Parents of children with disabilities (ages birth through 26);
 - (2) Individuals with disabilities;
 - (3) Teachers;
 - (4) Representatives of institutions of higher education that prepare special education and related services personnel;
 - (5) State and local education officials, including officials who carry out activities under subtitle B

of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 *et seq.*);

- (6) Administrators of programs for children with disabilities;
 - (7) (Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
 - (8) Representatives of private schools and public charter schools;
 - (9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
 - (10) A representative from the State child welfare agency responsible for foster care; and
 - (11) Representatives from the State juvenile and adult corrections agencies.
- (b) *Special rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(Authority: 20 U.S.C. 1412(a)(21)(B) and (C))

§ 300.169 Duties

The advisory panel must—

- (a) Advise the SEA of unmet needs within the State in the education of children with disabilities;
- (b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

- (c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
- (d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- (e) Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

(Authority: 20 U.S.C. 1412(a)(21)(D))

■ Are all State Advisory Panels similar?

All States are required to meet the federal regulations regarding State advisory panels. However, States may also have State regulations that establish panel responsibilities beyond those outlined in federal regulations

Additionally, panels develop by-laws and operational procedures that enable members to adequately carry out their responsibilities and represent the needs of individuals with disabilities in their State.

■ How are panel members appointed?

The advisory panel must be appointed by the Governor or other officials authorized under State law to make those appointments.

■ What is the required membership of the State Advisory Panel?

Panel membership must be composed of individuals who are representative of the State's population and involved in, or concerned with, the education of children with disabilities. *A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities.* Panel membership could include individuals who represent the following areas:

- Parents of children (ages birth through 26) with disabilities
- Individuals with disabilities
- Teachers
- Representatives of institutions of higher education that prepare special education and related services personnel
- State education officials
- Local education staff
- Administrators of programs for children with disabilities
- Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities
- Representatives of private schools
- Representatives of public charter schools
- At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
- Representatives from the State juvenile agency
- A member who represents homeless children

- Representatives from adult corrections agencies
- A member for State child welfare responsible for child care
- Others as appropriate

Some panels include a student with a disability from the secondary or postsecondary level. This is optional.

✚ What are the functions of the State Advisory Panels?

Federal regulations define the responsibilities of State Advisory Panels as follows:

- Advise the State of unmet needs in the education of children with disabilities.
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
- Provide advice to the State staff in developing evaluations and reporting on data to the Secretary of Education.
- Advise the State in developing corrective action plans to address findings identified in Federal monitoring.
- Advise the State in developing and implementing policies relating to the coordination of services for children with disabilities.
- Review all final due process officer findings and decisions.

✚ Are State Advisory Panels required to follow specific procedures?

Federal regulations do not designate a specific number of meetings to be conducted annually by the State Advisory Panel. The panel should hold adequate meetings to conduct its business. The following elements could be included in the panel procedures:

- The advisory panel must submit an annual report of panel activities and suggestions to the State Education Agency by July 1 of each year. This report must be made available to the public.
- Official minutes must be kept on all panel meetings.
- All advisory panel meetings must be open to the public, and agenda items must be publicly announced prior to the meeting.
- Interpreters and other necessary services must be provided at the panel meetings for panel members or participants.
- The advisory panel members serve without compensation, but the State must reimburse the members for reasonable and necessary expenses for attending meetings and performing duties.

✚ What are some recommended activities that strengthen the effectiveness of the State Advisory Panel?

- Developing by-laws and operating procedures
- Establishing annual priorities

- Providing an orientation and annual planning meeting
- Developing an annual report
- Ongoing and annual review of committee achievements
- Involvement with the State APR and SPP
- Knowledge and understanding of the State's level of determination

⌘ Do all Panels have established by-laws?

By-laws are the procedures that provide guidance to the operation of an organization. States have chosen different terms to use to describe such a document including rules, operating procedures, and panel guidelines. Regardless of the chosen term, it is important that panels take the time to effectively address their responsibilities. Below are common issues found in such documents:

- Panel name and authority
- Purpose of the panel
- Membership guidelines
- Voting procedures
- Agenda development
- Panel meeting norms
- Panel meeting schedule
- Procedures for public input
- SEA roles
- Glossary of terms
- Standing committees
- Panel activities

✚ What are basic activities conducted at State Advisory Panel meetings?

Below are examples of items commonly included on State advisory panel agendas:

- Welcome and introductions
- Approval of agenda and minutes
- Announcements
- Old/new business
- Overview of packet materials
- Report from State director or staff
- Report on continuous improvement and focused monitoring activities
- Report on State Performance Plan and Annual Performance Report
- Report on level of determination
- Public comments
- Group or sub-committee reports
- Action items
- Meeting summary and future agenda items
- Establishment of next meeting

✚ What is the importance of an annual meeting?

An annual or first meeting can provide an opportunity for panel members to review the existing by-laws and provide an orientation. It sets aside a specified time to promote collaboration among the panel members as they identify priorities and develop a yearly plan of action.

✚ What is the purpose of an annual report?

The advisory panel is required to submit an annual report to the State Education Agency. The annual report is an extremely important document. It outlines

advice to the State on the priority areas that were addressed by the panel during the year. This report serves to apprise State officials and the public of the activities conducted by the panel during the year. It delineates those areas of need within a State that are viewed as priorities in the education of children with disabilities. *The report serves to provide advice to the State regarding the development of policy procedures needed to support the education of children with disabilities.*

✚ What are the key components to be included in the annual report?

While the annual reports vary among States, the following elements are common in the development of the document:

- Preface
- Cover letter
- Table of contents
- Message from the chair
- Membership
- Annual priorities and goals
- Panel advice and recommendation on priority issues
- Key activities
- Meeting agendas and minutes
- Future issues
- Resource section

The report should be concise, user friendly, and advisory in nature.

☒ Panel Priorities for this year

(1)

(2)

(3)

(4)

☒ For more information

Contact for the State Advisory Panel Chairperson

Name _____

E-mail _____

State Director of Special Education

Name _____

Phone _____

E-mail _____

Fax _____